

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

**IN RE:
JAMES BENNY EDWARDS, JR.
AKA JAMES B. EDWARDS**

**CASE NO. 3:16-bk-02941-JAF
CHAPTER 13**

Debtor.

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MOTION TO VACATE MODIFICATION MEDIATION ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust**, as trustee for **Normandy Mortgage Loan Trust, Series 2015-1**, by and through the undersigned counsel, and hereby moves to vacate the *Mortgage Modification Mediation Order* [D.E. 12] entered on March 10, 2016, and in support states as follows:

1. On August 11, 2016 the Debtor filed a *Motion for Referral to Mortgage Modification Mediation* (“Motion”) [D.E. 11].
2. On August 12, 2016 the *Mortgage Modification Mediation Order* [D.E. 12] (the “Order”) was signed and entered for the property which serves as collateral for Movant’s loan.
3. On August 16, 2016, the undersigned law firm was retained to handle the Mediation.
4. To date, sixty six (66) days have elapsed since the Order was entered.
5. The undersigned firm has, in good faith, attempted to participate in the Mediation process with the Debtor; however, the Debtor has failed to provide the creditor

with any documents in connection to a review for modification nor has the debtor registered in the DMM Portal or cooperated with the creditor in an attempt to schedule a mediation conference.

6. The Debtor has failed to comply with the requirements of the Mediation process, because no documents have been received from the Debtor and no mediation conference has been scheduled, therefore the Order should be vacated.

WHEREFORE, **Creditor** respectfully prays that the Court:

- A. Grant its Motion to Vacate the Mortgage Modification Mediation Order;
- B. Bar the Debtor from moving for another Mortgage Modification Mediation, in this bankruptcy case;
- C. Award Creditor reasonable attorney's fees and costs for the necessity of this motion, and
- D. Grant any other further relief that this Court deems just and appropriate.

Respectfully submitted,

/s/ Ella Roberts
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 2016, I served a copy of the foregoing upon:

SERVICE LIST

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